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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,654

03/29/2004

Grzegorz Guzik

13768.1360

2418

47973

7590

03/12/2010

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EXAMINER

ANDERSON, JOHN A

ART UNIT

PAPER NUMBER

3694

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,654	<b>Applicant(s)</b> GUZIK ET AL.	
	<b>Examiner</b> JOHN A. ANDERSON	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,14-22 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,14-22 and 31-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In the amendment filed 11/24/2009, the following has occurred: claims 1,14,22 have been amended. Claims 12-13,23-30 have been cancelled. Claims 31-33 have been added. Claims 1- 2,4 -11,14-22,31-33 are pending and are presented for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement dated 07/02/2004 has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 
4. Claims 1- 2, 4 -11, 14-22, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buus et al. (PGPub 2003/0110249) and in view of Stowell D.P.M (PGPub 2002/0099579) and in further view of Pokorny M .R. (PGPub 2003/0154144) and in further view of DeGroote D.G ( U.S. Patent 7076763).
  5. As regards claims 1, 14 and 22, Buus discloses (Currently Amended) a key performance indicator (KPI) system comprising: a client device user interface component; a processor component that receives KPI identification information from the interface component for one or more KPIs and generates a KPI

document, wherein the KPI document identifies the one or more KPIs to be retrieved based upon identification information received from the interface component and information identifying how to retrieve each of the one or more KPI, the KPI document including text and graphical display parameters for each of the one or more KPIs and which correspond to a value, a goal, a status, a trend and a weight for each of the one or more KPIs; and [0009;0021]

a query component that employs the KPI document to retrieve KPI information from one or more data stores, generate a result document, and transfer the result document back to the interface component, the result document specifying presentation data regarding KPI graphics and values to be used by a user interface component in displaying the corresponding value, goal, status, trend and weight for each of the one or more KPIs in a user interface, [0004; 0029; 0035; 0059]

Buus does not disclose the user interface component using the result document to generate a user interface display with the one or more KPIs along with a representation of the value, the goal, the status, the trend and the weight of each of the one or more KPIs.

Stowell discloses the user interface component using the result document to generate a user interface display with the one or more KPIs along with a

representation of the value, the goal, the status, the trend and the weight of each of the one or more KPIs. [Fig 16-18 (0068) ;( 0083-0084)]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Stowell in the device of Buus. The motivation would have been to provide bench markers, targets, priorities, direction and importance to the indicators.

Buus does not disclose the system of claim 1, wherein the KPI document comprises database name, connection string, and KPI name for each KPI;

Pokorny discloses the system of claim 1, wherein the KPI document comprises database name, connection string, and KPI name for each KPI. [0011]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to identify the event based key performance indicators [0011]

Buus does not disclose the system of claim 1, wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.

Pokorny discloses wherein the KPI retrieval information includes a filter component specifying a subset of data to be utilized to generate a KPI metric.

[0224] Queried results may be treated with filters (not shown) in a variety of ways to segregate data, such as segregating delay results according to the slit position in which the web component of a medical article was slit prior to being used as a raw material.

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to segregate data. [0224]

Buus does not disclose the system of claim 1, wherein the data store is a multidimensional OLAP database.

Pokorny discloses the system of claim 1, wherein the data store is a multidimensional OLAP database. [0051]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Pokorny in the device of Buus .The motivation would have been to present Historical, summarized, and consolidated data in multi-dimensions for maximum analytical use.[0052; 0215]

Buss does not disclose the method of claim 14, wherein the KPI document comprises data concerning data store connections and KPI retrieval information.

Stowell discloses the method of claim 14, wherein the KPI document comprises data concerning data store connections and KPI retrieval information. [0013]

Buus does not disclose the method of claim 14, further comprising transferring the result document to the client device.

Stowell discloses the method of claim 14, further comprising transferring the result document to the client device.[0015;0055]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use Stowell in the device of Buus .The motivation would have been for assessing performance evaluations.

6. As regards claims 31-33, Buus does not disclose the method of claim 14, wherein the status of at least one KPI is represented as a gauge.

The method of claim 14, wherein the status of at least one KPI is represented as a status bar.

The method of claim 14, wherein the status of at least one KPI is represented as a stop light.

DeGroote discloses the method of claim 14, wherein the status of at least one KPI is represented as a gauge.

The method of claim 14, wherein the status of at least one KPI is represented as a status bar.



The method of claim 14, wherein the status of at least one KPI is represented as a stop light. [column 6 lines 4-20; lines 62-67 –column 7 lines 1-5]

It would have been obvious for a person of ordinary skill in the art at the time of the invention was made to use DeGroote in the device of Buus. The motivation would have been to provide progress indicators towards a goal.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1- 2, 4 -11, 14-22, 31-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/John A Anderson/

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